Louis S. Ederer John Maltbie ARNOLD & PORTER LLP 399 Park Avenue New York, NY 10022 (212) 715-1000

Attorneys for Plaintiffs Artisan Manufacturing Corporation

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ARTISAN MANUFACTURING CORPORATION, :

Plaintiff,

- against -

ALL GRANITE & MARBLE CORPORATION.,

Defendant.

Civil Action No.: 07 CV 11278

DECLARATION OF JOHN MALTBIE IN FURTHER SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

EXHIBIT K

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                     UNITED STATES DISTRICT COURT
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                FOR THE SOUTHERN DISTRICT OF NEW YORK
       ARTISAN MANUFACTURING
   5
       CORPORATION,
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                        Plaintiff,
   7
                    Vs.
                                        ) 07-cv-11278 (WHP)
  8
       ALL GRANITE & MARBLE
       CORPORATION,
  9
                       Defendant.
 10
 11
 12
 13
                 CONFIDENTIAL - ATTORNEYS' EYES ONLY
 14
                      DEPOSITION OF ROBERT DEJA
 15
                       Parsippany, New Jersey
16
                      Monday, February 11, 2008
17
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20
21
22
     Reported by:
     FRANCIS X. FREDERICK, CSR, RPR, RMR
23
     JOB NO. 15245B
24
25
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Page	Page
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2	2 APPEARANCES:
3	3
5 February 11, 2008	4 ARNOLD & PORTER
1001444) 11,2000	5 Attorneys for Plaintiff
6 1:14 p.m.	6 399 Park Avenue
8	7 New York, New York 10022-4690
	8 BY: JOHN MALTBIE, ESQ.
9 Confidential deposition of ROBERT 10 DEJA, held at the offices of Hoffmann &	9
Baron, 6 Campus Drive, Parsippany, New	10 HOFFMANN & BARON, LLP
12 Jersey, pursuant to Notice, before	11 Attorneys for Defendant 12 6 Campus Drive
13 Francis X. Frederick, a Certified	- Cumpus Drive
14 Shorthand Reporter, Registered Merit	Parsippany, New Jersey 07054 BY: JON A. CHIODO, ESQ.
15 Reporter and Notary Public of the States	15 B1. JON A. CHIODO, ESQ.
16 of New York and New Jersey.	16
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TSG Reporting - Worldwide 877-702-9580	TSG Reporting - Worldwide 877-702-9580
Page	Page 5
1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ON	NLY 1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL
2 ROBERT DEJA, called as a	2 A. No.
witness, having been duly sworn by a	3 Q. I'm just going to set forth some
Notary Public, was examined and testified as follows:	4 of the ground rules that we should follow and
-	5 hopefully it will speed things along today.
	6 I'll be asking you a series of
WHE IN ELDIE.	questions regarding your knowledge of the
Q. Good afternoon. My name is John Maltbie. I'm an attorney with Arnold &	8 facts and circumstances concerning All
Porter. My firm represents the plaintiff,	9 Granite's promotion and use of sinks in
11 Artisan Manufacturing Corporation, the	10 connection with its countertop installation 11 services. It's your obligation to appear my
manufacturer and distributor of Artisan brand	The state of the s
sinks, in connection with a lawsuit that has	12 questions truthfully and to the best of your 13 ability.
been filed against All Granite & Marble	
Corporation.	14 Do you understand that? 15 A. That is correct, yes.
Mr. – is it Deja?	16 Q. In the event you do not understand
A. That is correct.	a question that I've asked please let me know
Q. We met before but if you could	and I will try to rephrase it. Is that okay?
	19 A. Um-hum.
9 please state your full name and address for	,
please state your full name and address for the record I'd appreciate it.	Q. And if you need to have a question
please state your full name and address for the record I'd appreciate it. A. Robert Deja. 15 Maple Lake Road,	e you need to have a question
please state your full name and address for the record I'd appreciate it. A. Robert Deja. 15 Maple Lake Road, Kinnelon, New Jersey, 07405.	21 repeated please let me know and we can have
please state your full name and address for the record I'd appreciate it. A. Robert Deja. 15 Maple Lake Road, Kinnelon, New Jersey, 07405. Q. Mr. Deja, prior to today have you	repeated please let me know and we can have
please state your full name and address for the record I'd appreciate it. A. Robert Deja. 15 Maple Lake Road, Kinnelon, New Jersey, 07405. Q. Mr. Deja, prior to today have you ever been deposed or given testimony in a	repeated please let me know and we can have the reporter read it back for you. Is that
please state your full name and address for the record I'd appreciate it. A. Robert Deja. 15 Maple Lake Road, Kinnelon, New Jersey, 07405. Q. Mr. Deja, prior to today have you	repeated please let me know and we can have the reporter read it back for you. Is that okay?

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1 2	CONFIDENTIAL - ATTORNEYS EVES	ONE	J 1	Pag R DEIA CONFIDENTIAL
3	The reporter nere today who's taking down	J. 123		- CONFIDENTIAL - ATTORNEYS EVES
	all of my questions and all of your answers		3	- unough and designate things and
4	in order for that to proceed smoothly there's		4	dedesignate things as we go along Is
5	a couple things we should keep in mind. The		5	unit oray;
6	HIST IS please remember when you answer me to		6	WILL WALTBIE: That's fine.
7	answer verbally. The reporter can't take down		7	WILC CHOODS; OKAV.
8	a nod or shake of the head.			DI WILC WALLIBIE:
9	Is that understood?		8	V. Wil. Deja, is there any reason why
10	A. Okay.		9	you would not be able to testify truthfully
11	Q. And then as we go along please		10	coday?
12	wait for me to finish my questions before you		11	11. 110.
13	begin your answer and, likewise, I'll wait for	- 1	12	Y. And I just want to clarify an
14	your answer before I start my next question.	1	13	Issue with respect to language. Is it correct
15	A. Okay.	- 1	14	to say that English is not your first
16	Q. If you want to take a break at any		15	language?
17	time please let me know and we can do so I		16	That is correct,
. 8	only ask that you not ask to take a break	- 1	17	Y. And now long have you been in the
9	while a question is pending. Is that okay?	1	18	United States?
0	A. Okay.		19	A. Eight years.
1	MR. CHIODO: Mr. Maltbie, before		20	Q. And what is the highest level of
2	we begin, I would just like to designate	1	21	schooling that you have completed?
3	Mr. Deja's deposition today as		22	A. I have master's.
4	confidential, attorneys' eyes only, and	- 1	23	Q. And where did you obtain that
5	then once we get the transcript we'll go	- 1	24	master's degree?
TS		2	25	A. Jagiellonian University of Law.
	Reporting - Worldwide 877-702-9580		TS	SG Reporting - Worldwide 877-702-9580
	Page	8		
	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ON			Page 9
	Q. And is that in Poland?		1	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL
	A. Yes.	ł	2	and you speak with anyone regarding your
	Q. Have you attended any schooling	- 1	3	testimony here today?
	here in the United States?	- 1	4	A. Testimony, no.
	A. Yes.	5		Q. Have you spoken to anyone
	Q. What have you -	6		regarding the facts and circumstances
	A. That was Bergen Community College.	7		surrounding this case as you understood them?
	Q. Did you obtain any sort of degree?	8	,	A. Yes. In a way.
	A. No. I stopped. I was doing some	9	J	Q. Who have you spoken to?
	classes there just to get familiarized with	10)	A. I talked to my sales
	the language.	11	. :	representatives. I let them know that they're
	Q. Well, that brings me to my next	12	: ,	going to be deposed. Chris and Peter their
	question. Do you feel comfortable answering	13	. 1	names are. And they've been deposed. I
i	my questions today in English?	14	t	talked to Alex.
	A. Yes, I do.	15		Q. Anybody else?
	O. Mr Daig navy visit	16		A. I talked to my boss.
,	Q. Mr. Deja, now you understand that	17		Q. And who is that?
3	you're here today to testify on behalf of All Granite & Marble Corporation?	18		A. Jaroslaw Wojtach. He's the owner
`	A. Yes, I do.	19	o	of the company.
		20		Q. And what did you discuss with
	Q. And is it true that you've been	21	N	Mr is it Wojtach?
≱ i	he main contact with respect to this itigation?	22	- "	A. Wojtach.
ti	ugauon:	23		Q. Wojtach.
ti	A 70			e- water
ti	A. That is correct.	24		
i	A. That is correct. Q. Now, other than your attorneys, Reporting - Worldwide 877-702-9580	Į		A. Wojtach. I notified him that we're being

Page 10	rage 11
1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL 2 sued basically and I'm in the middle of	The state of the s
I amount of the first of the control of	2 Q. Right.
negotiations. And, basically and a little bit about the circumstances, what the	A. But that's pretty much it, you
5 litigation is about. He delivered me the	4 know.
6 papers that we've been sued they were	5 Q. Now, were you involved in the
7 delivered to our main office in Ridgefield	6 collection of any documents relating to this
7 delivered to our main office in Ridgefield 8 Park.	7 lawsuit?
· · · · · · · · · · · · · · · · · · ·	8 A. Yes.
9 Q. Okay. And what did you speak 10 about with Chris and Peter?	9 Q. And who asked you to collect
11 A. I let them know that they're going	10 documents?
12 to be deposed.	11 A. My lawyers.
13 Q. Anything else?	Q. And do you recall when they asked
14 A. No. Not really. That's about	13 you?
15 Artisan sinks matter.	A. Hum. Not exactly. Not exactly.
The state of the s	15 During the litigation basically. When we
16 Q. And what did you speak about with 17 Alex?	16 started the whole process. But I cannot
	remember the exact date if that's what you are
and the state of t	18 asking.
e indicate that you spoke to:	19 Q. I'll represent to you that a cease
i in the state of the personality.	20 and desist letter was sent to All Granite on
2. What does that — not	21 December 14th of 2007. Do you recall when you
Freezeway 13 taus	22 first received notice of that cease and desist
I tatow that people are talking, I	23 letter?
24 know that Alex has been talking to Chris a 25 little bit.	A. No, no. I cannot recall. The
	25 first document that I saw was the actual
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Page 12	Page 13
1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY	1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 paperwork that was filed but not registered	2 Christmas so we wanted to reply to it
3 with the court yet.	immediately. That's why we attended to it
4 Q. Okay.	4 quickly.
5 A. That was the first thing that I	5 Q. And in terms of reply, do you
6 recall.	6 recall what the response was?
7 Q. And do you recall what you did	7 A. Well, I believe we addressed each
8 when you learned about those papers?	8 of the issues with our, you know, our best
9 A. Yes.	9 intentions how to approach the issue. We
Q. What did you do?	requested the phase-out period for the sinks.
	We told in the letter that we're not going to
12 firm.	be distributing them anymore. What else?
Q. From Hoffman & Baron?	Well, we tried to address every
	14 issue to work it out basically.
15 let them know.	15 Q. And do you recall well, let me
Q. And then, as far as you know, Mr.	16 step back.
Budzyn responded to the cease and desist	In this period before Christmas,
18 letter?	were you aware at that time that there was an
19 A. That is correct. Yes. I visited	Artisan sink on display in the South
20 his office on the next day. And after we	Plainfield showroom?
21 received the documents Lou was very	21 A. No.
22 accommodating and was able to meet me on the	Q. When did you learn that there was
23 next day in the morning. And we discussed the	23 an Artisan sink on display in South
24 reply. And the letter was sent I believe the	Plainfield?
26	5 A. I do not remember the exact date.
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Page 1 R. DEIA - CONFIDENTIAL ATTRONOUS	
1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ON 2 But I think it was after we received the	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL
papers from the court that the case was	2 sink. I ordered immediate removal of the sink
4 actually filed in a court. And we were a	3 that followed same hour.
5 little bit taken aback because instead of	Q. And do you know what has happened
6 getting the case that was notified with the	5 to that sink since then?
7 Court we were expecting to any in the	6 A. I think it's in our warehouse.
7 court we were expecting to get a reply from	7 Lou told us that from the beginning of the
our letter. Then I called Lou and the things started acting very quickly. And I think it	8 litigation we cannot throw any documents and
10 was Wednesday or Thursday in it	9 so everything we saved it and it's kept in the
was Wednesday or Thursday in the evening when we'd been working with Lou to see what	10 warehouse I think.
happened. I received a phone call from Lou	Q. Now, in this – let's take sort of
saying am I sure that there is no sink,	the pre New Year's period I guess.
14 Artisan sink on a display. And I said, yes,	13 A. Um-hum.
15 I'm sure. Because I just talked to another	Q. Did you understand from Artisan's
attorney and he said there is a sink. So can	initial letter that they were also alleging
you double-check it for me. I said right	that All Granite salespeople were telling the
away. It was 7 p.m. but I called up the	customers that they would be able to obtain
showrooms and I left a message for Alex. I	18 Artisan sinks from All Granite?
guess in the morning on the next day he called	19 A. No. I can't recall the letter but
21 me back and I learned that there isn't - I	20 I was looking at the papers and the main thing
actually talked to Blaze at that time I think.	inat I kind of focused was the logo. That
23 I told him to actually go to the sink display	22 was in my opinion at that time that was
and look at the second loops and all the	23 like the most important issue, the similarity
and look at the actual logos and check whether there is a sink. I learned that there is a	that you raised. And I thought that since our
PCC Demonstrate	25 logo resembles a crown and was to my eyes
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Page 16	
1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY	Page 17
different, that we're not going to have a	THE COLUMN TALL A LITTLE OF THE COLUMN TWO
problem resolving the case. That's why we	2. I snow you what's previously been
didn't that's pretty much it. That's why I	marked as Plaintiff's Exhibit 2.
5 met with Lou and proceeded with the	Mr. Deja, could you tell me if
6 negotiations.	this the memorandum to which you were just
Q. Did there come a point later in	· reterring?
8 time, say after New Year's, where you came to	7 A. Yes. Yes, it is.
understand that Artisan was also alleging that	8 Q. This is dated February 4, 2008.
All Granite salespeople were telling consumous	Do you see that?
that they would be able to receive Artisan	A. February 4th, correct. Um-hum.
12 sinks?	Q. Do you recall if that was the
A. Yes. At some point I believe when	actual date that this memorandum was written
we received the documents regarding the	23 and distributed?
investigator's report, um-hum.	14 A. I have to look at my calendar.
16 Q. And did you undertake any	15 February 4th. One second.
1 Investigation or look into that all all a	16 (Pause on the record.)
1 A. Yes	A. It was definitely the date it was
49 Q. And what did you do?	written. And it was yeah, since it's
A. Basically I talked to people and	Monday, I think that's the date. Um-hum.
we placed a memorandum. I sent it over to the	Yeah. The Monday I sent it over, faxed it
snowrooms, Ridgefield Park, South Plainfield	over to all the showrooms. I remember it
and Stroudsburg. So they could read it. They	being Monday. I wasn't remember February 4th
could get familiar with it and post it on the	S Monday.
25 Wall.	Q. Okay. So was this the first
	communication that you had with All Granite
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The contract of the contract o	Control Contro

	Do 10	
1 R. DEJA - CONFIDENTIAL - ATTORNEYS'	Page 18	Page 1
2 salespeople with respect to the Artisan issue?		R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ON
3 A. Monday? I think I talked with	1	offices in South Plainfield, Ridgefield Park and also ordered to check the offices in
4 them before. Just asking making sure	ı	and district to theth the offices in
5 whether they know anything about mentioning	1	in the state of the state
6 Artisan sinks in their showroom. I think it	i i	that may be connected to the case like advertising material, promotional materials,
7 was before that:	3	to make sure that we do not have anything with
8 Q. And do you recall who you spoke	1	the Artisan name on it displayed. And I was
9 to?		9 looking for documents pertaining to the case.
10 A. I spoke to Peter. And I spoke to	1	0 Invoices, Artisan invoices that we've been
11 Chris.	1	buying things from them. And then our
12 Q. Did you speak to anybody else?	1:	invoices for the sinks that we been importing.
13 A. Not really. Because at that time	1:	Q. And who is the Ridgefield Park
14 I knew that they were involved in that report.	114	6. The was is the Magenera I alk
15 And Alex as well.	1:	and manager.
16 Q. So between, say New Year's,	16	
17 January 1st, 2008, and February 4th, 2008,	17	7 A. Sure. Thomas, T-H-O-M-A-S.
18 besides speaking to Chris, Peter and Alex, did	18	· · · · · · · · · · · · · · · · · · ·
19 you do anything else with respect to your	19	
20 investigation or examination of whether All	20	
21 Granite salespeople were telling consumers	21	whether All Granite salespeople were telling
that Artisan sinks could be installed in their	22	customers that they could receive an Artisan
23 homes?	23	sink, did you reach any conclusion?
A. I talked to the sales office	24	
25 manager in Ridgefield Park. I checked the	25	Q. And what was
TSG Reporting - Worldwide 877-702	2-9580	TSG Reporting - Worldwide 877-702-9580
	Page 20	Page 21
1 R. DEJA - CONFIDENTIAL - ATTORNEYS' E	YES ONLY 1	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
A. Well, basically the conclusion was	2	the office to look at the walls and the actual
3 that we've been that salespeople were not	3	brochure stands to see if there is anything
4 telling customers that they could get an	4	displayed in the office for the customer to
5 Artisan sink.	5	see. And then I checked at the actual desks
Q. So you didn't find any evidence to	6	myself. And in South Plainfield the desks
support Artisan's allegations; is that	7	were also checked with the help of Blaze and
8 correct?		
.0	8	Lucas.
9 A. Yes. Yes.	9	Lucas. Q. And who is Blaze?
10 Q. I jumped ahead a little bit.	9 10	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I
10 Q. I jumped ahead a little bit. 11 Let's step back just for a second.	9 10 11	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And
10 Q. I jumped ahead a little bit. 11 Let's step back just for a second. 12 A. Um-hum.	9 10 11 12	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care
Q. I jumped ahead a little bit. Let's step back just for a second. A. Um-hum. Q. So you mentioned that you were	9 10 11 12 13	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the
Q. I jumped ahead a little bit. Let's step back just for a second. A. Um-hum. Q. So you mentioned that you were also involved in looking for documents; is	9 10 11 12 13 14	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the supplies.
Q. I jumped ahead a little bit. Let's step back just for a second. A. Um-hum. Q. So you mentioned that you were also involved in looking for documents; is that correct?	9 10 11 12 13 14 15	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the supplies. Q. Is it correct to say Blaze and
10 Q. I jumped ahead a little bit. 11 Let's step back just for a second. 12 A. Um-hum. 13 Q. So you mentioned that you were also involved in looking for documents; is that correct? 16 A. Correct.	9 10 11 12 13 14 15 16	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the supplies. Q. Is it correct to say Blaze and Lucas are related to the owner of the company?
10 Q. I jumped ahead a little bit. 11 Let's step back just for a second. 12 A. Um-hum. 13 Q. So you mentioned that you were 14 also involved in looking for documents; is 15 that correct? 16 A. Correct. 17 Q. Okay. And did you in fact collect	9 10 11 12 13 14 15 16 17	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the supplies. Q. Is it correct to say Blaze and Lucas are related to the owner of the company? A. Yes.
Q. I jumped ahead a little bit. Let's step back just for a second. A. Um-hum. Q. So you mentioned that you were also involved in looking for documents; is that correct? A. Correct. Q. Okay. And did you in fact collect documents related to this case?	9 10 11 12 13 14 15 16 17 18	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the supplies. Q. Is it correct to say Blaze and Lucas are related to the owner of the company? A. Yes. Q. Are they sons —
Q. I jumped ahead a little bit. Let's step back just for a second. A. Um-hum. Q. So you mentioned that you were also involved in looking for documents; is that correct? A. Correct. Q. Okay. And did you in fact collect documents related to this case? A. Yes.	9 10 11 12 13 14 15 16 17 18	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the supplies. Q. Is it correct to say Blaze and Lucas are related to the owner of the company? A. Yes. Q. Are they sons — A. They're cousins.
Q. I jumped ahead a little bit. Let's step back just for a second. A. Um-hum. Q. So you mentioned that you were also involved in looking for documents; is that correct? A. Correct. Q. Okay. And did you in fact collect documents related to this case? A. Yes. Q. And where did you look for the	9 10 11 12 13 14 15 16 17 18 19	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the supplies. Q. Is it correct to say Blaze and Lucas are related to the owner of the company? A. Yes. Q. Are they sons A. They're cousins. Q. Cousins.
Q. I jumped ahead a little bit. Let's step back just for a second. A. Um-hum. Q. So you mentioned that you were also involved in looking for documents; is that correct? A. Correct. Q. Okay. And did you in fact collect documents related to this case? A. Yes. Q. And where did you look for the documents?	9 10 11 12 13 14 15 16 17 18 19 20 21	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the supplies. Q. Is it correct to say Blaze and Lucas are related to the owner of the company? A. Yes. Q. Are they sons A. They're cousins. Q. Cousins. In terms of your search for
Q. I jumped ahead a little bit. Let's step back just for a second. A. Um-hum. Q. So you mentioned that you were also involved in looking for documents; is that correct? A. Correct. Q. Okay. And did you in fact collect documents related to this case? A. Yes. Q. And where did you look for the documents? A. Well, if it comes to the	9 10 11 12 13 14 15 16 17 18 19 20 21 22	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the supplies. Q. Is it correct to say Blaze and Lucas are related to the owner of the company? A. Yes. Q. Are they sons A. They're cousins. Q. Cousins. In terms of your search for documents, did you only look for hard copy
Q. I jumped ahead a little bit. Let's step back just for a second. A. Um-hum. Q. So you mentioned that you were also involved in looking for documents; is that correct? A. Correct. Q. Okay. And did you in fact collect documents related to this case? A. Yes. Q. And where did you look for the documents? A. Well, if it comes to the literature pertaining to advertising and	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the supplies. Q. Is it correct to say Blaze and Lucas are related to the owner of the company? A. Yes. Q. Are they sons — A. They're cousins. Q. Cousins. In terms of your search for documents, did you only look for hard copy documents?
Q. I jumped ahead a little bit. Let's step back just for a second. A. Um-hum. Q. So you mentioned that you were also involved in looking for documents; is that correct? A. Correct. Q. Okay. And did you in fact collect documents related to this case? A. Yes. Q. And where did you look for the documents? A. Well, if it comes to the literature pertaining to advertising and promoting Artisan materials I was looking in	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Lucas. Q. And who is Blaze? A. Blaze is our warehouse manager. I mean, he takes care of the warehouse. And Lucas is his brother. And they both take care of the warehouse and take care of the supplies. Q. Is it correct to say Blaze and Lucas are related to the owner of the company? A. Yes. Q. Are they sons — A. They're cousins. Q. Cousins. In terms of your search for documents, did you only look for hard copy documents? A. No. I was actually looking on the
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2	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES	ONLY 1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES O
3	Q. And do you use e-mail in	documents in response to Artisan's requests?
4	connection with your business? A. Yes.	A. Yes. I ordered to look through
5		4 the desks and through the showroom in South
6	Q. And did you search your e-mails?	5 Plainfield. As I said Lucas and Blaze were
7	A. Yes.	6 involved. I talked to Martin, our import
8	Q. Did you search anyone else's	7 manager, to look for the invoices, and to the
	e-mails, the company's e-mails?	8 bookkeeper to look for invoices.
9	A. Well, I basically looked it up	9 So they pretty much delivered the
10	through server. But we didn't find anything I	invoices that we had on file to me. I didn't
11	don't believe. I checked my laptop and on my	11 find personally invoices for invest.
12	laptop there was nothing.	find personally invoices for import because I don't have access to that file.
13	Q. And how did you search? Did you	
14	use a search term or	2. And did you review any documents
15	A. Yes.	- Proparation for your testimony here today?
16	Q. What search term did you use?	1 163.
17	A. Artisan,	2. What documents did you review?
18	Q. And do you recall finding any	i i i i i i i i i i i i i i i i i i i
19	e-mails?	- Same of and the documents that were
20	A. No.	and allowed to see from my lawyers.
21	Q. And what did you do with the	2. Tou it taiking about documents
22	documents that you had collected?	produced by Artisan; is that accurate?
23	A. I forwarded it to them.	22 A. Yes.
4	Q. Do you know if any other All	Q. Mr. Deja, you're currently an
5	Granite employees were asked to search for	employee of All Granite?
TS		25 A. That is correct.
	G Reporting - Worldwide 877-702-9580	TSG Reporting - Worldwide 877-702-9580
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	R. DEJA - CONFIDENTIAL - ATTORNEYS EVEN ON	Page 25
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2 3	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ON Q. How long have you been with All Granite?	Page 25 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL marketing and sale over the Internet?
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R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY specific office? A. Ridgefield Park office. The first facility was the one in Ridgefield Park. That's the main office, main facility. Q. Okay, So prior to your arrival at All Granite what was the anaure of its business? A. It was granite and marble counterop fabrication. The company was just smaller. Q. Did it have a showroom or a — Samples of the edges, and take care of the samples of the edges, and take care of the could show the customers samples of the stone, samples of the edges, and take care of the samples of the edges, and take care of the destimates. And then we started importing through the yard to see the actual slabs of the material. Q. And prior to the importation of shob by All Granite, how did All Granite wholesalers in the area. In other words, TSG Reporting — Worldwide Page 28 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY Simm Street. A. The first one as I mentioned is in Ridgefield Park is the oldest of the showrooms? A. That's correct. A. Maybe even further. 2000. Q. And when was South Plainfield, when was that established? A. That's correct. A. Maybe even further. 2000. Q. And when was South Plainfield, when was that established? A. That's correct. A. Maybe even further. 2000. Q. And when was South Plainfield, when was that established? A. Thus's correct. A. Maybe even further. 2000. Q. And when was South Plainfield, when was that established? A. Thus's correct. A. Maybe even further. 2000. Q. And when was South Plainfield, when was that established? A. Thus's correct. A. Maybe even further. 2000. Q. And when was South Plainfield, when was that established? A. Thus's correct. A. Maybe even further. 2000. Q. And when was south Plainfield, when was that established? A. Thus's correct. A. Maybe even further. 2000. Q. And when was south Plainfield, when was that established? A. A. On very an age. A. Maybe even further. 2000. Q. And when was south Plainfield. A. A. On very and the coartions basically A. Maybe even further.	Γ			
specific office? A. Ridgefield Park office. The first facility was the one in Ridgefield Park. That's the main office, man facility. Q. Olday, So prior to your arrival at A. If Carnite what was the nature of its business? A. If was granite and marble countertop fibrication. The company was just smaller. 20 A. Did it have a showroom or a — A. Yes, Well, the office where you could show the customers samples of the stone, samples of the edges, and take care of the cestimates. And then we started importing albabs and we started showing people around the through the yard to see the actual slabs of the material. 21 Q. And prior to the importation of slabs by All Granite, how did All Granite obtains its slabs? 22 A. They would buy it from the wholesalers. Afform the washed wholesalers in the arca. In other words, TSG Reporting — Worldwide 877-702-9580 Page 26 R. DEJA - CONFIDENTIAL - ATTORNEYS EYES ONLY Storm Street. Q. And where are the various provided by the material. A. Maybe even further. 2000. Q. And where was that established? A. A maybe even further. 2000. Q. And where was share stablished? A. Two years ago. A. Two years ago? A. A lowold say 2005/2006. We started in in 2005. But we had to do some remodeling inside so it was mostly construction. And then we launched the showroom in early 2006. Q. And start showroom in early 2006. Q. And start showroom in early 2006. Q. And are the locations basically the same in terms of layout and format? A. Q. Ago agor are access selfing stabs. They don't do fabrication. Thee're just supplying the raw material. A for years ago. A. They work as a stard disposition of the store of the store of the same of the store of the same of the store		,	1	Page 2°
spectrum current A. Ridgefield Park office. The first facility was the one in Ridgefield Park. That's the man office, man facility. C. O. Okay. So prior to your arrival at A. H. Grantie what was the nature of its business? A. It was grantie and marble countertop fibrication. The company was just smaller. 12. Q. Did it have a showroom or a – 13. A. Yes. Well, the office where you 14. could show the customers samples of the stone, 15. samples of the edges, and take care of the 16. estimates. And then we started importing 17. stabs and we started showing people around 18. directly and the stabs of the edges, and we started showing people around 19. directly and the stabs of the material. 20. And prior to the importation of 21. stabs by All Grantie, how did All Grantie 22. obtain its slabs? 23. A. They would buy it from the 24. wholesalers in the arca. In other words, 25. TSG Reporting – Worldwide 877-702-9580 Page 28. Page 28. R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 28. Sorn Street. Q. And where are the various 29. Q. And where are the various 29. Q. And where with a finite oldest of the showrooms? A. That's correct. Q. And when was that established? A. Two years ago. 14. A. Two years ago. 15. A. That's correct. 16. Q. And when was that established? A. Two years ago. 16. A. Two years ago. 17. A. Two years ago. 18. A. Two years ago. 19. Q. And when was that established? A. Two years ago. 19. Q. And when was that established? A. Two years ago. 19. Q. And when was that established? A. Two years ago. 19. Q. And when was that established? A. Two years ago. 19. Q. And when was that established? A. Two years ago. 19. Q. And when was that established? A. Two years ago. 19. Q. And when was that established? A. Two years ago. 19. Q. And when was that established? A. Two years ago. 19. Q. And when was that established? A. Two years ago. 19. Q. And when was that established? A. Two years ago. 19. Q. And when was that established? A. Two years ago. 19. Q. And when was that established? A. Two years ago. 19. Q. And			_ Y	R. DEJA - CONFIDENTIAL - ATTORNEYS' FYES ONI
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Page 30 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY Page 31 1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL' 2 lighting system to light up the materials 2 Then the row number. Let's say 2. And then 3 properly. the A-frame number, 23. And then the A-frames 3 4 In Ridgefield Park everything is 4 are constructed so that the material can stay 5 outside. The slabs are arranged pretty much 5 on the left-hand side or the right-hand side the same way. They're in rows on the 6 of the A-frame. Hence you have 1122R and 6 A-frames. The row numbers are physically --7 that's the name of the material. That's the 8 the A-frames are numbered starting with a row 8 symbol that we describe the material. 9 number so we know exactly how to identify the 9 Q. And if you briefly just outline 10 stone going by the A-frame numbers. We don't 10 for me how the Stroudsburg location is set up. 11 use names for the stones. We use symbols 11 A. Similar to Ridgefield Park 12 because different quarries, they use similar 12 location. Small sales office. Small showroom 13 names and sometimes we were getting material 13 with the sample board. And maybe four desks. from two different quarries, completely 14 14 And the yard filled with stone. 15 different looking and with the same name. So 15 16 we starting using -- since it was confusing, Q. An outside yard? 16 A. Outside yard. Correct. And 17 we started using the symbols. 17 obviously in all three facilities there is a 18 Q. When you say symbols do you mean, 18 fabrication section where the actual process 19 like, numbers or -19 takes place. There is a space dedicated to 20 A. Numbers. 20 the bridge saws. The process starts with 21 Q. Numbers. 21 cutting the granite on the bridge saw. Then 22 A. Right. The name of the stone, the 22 the shape is being transported to the C&C 23 symbol pertains to the location of the stone 23 department and they curve the actual edges and 24 to our yard. Number 1 in front of the symbol 24 then do the manual fabrication department 25 means that it's the Ridgefield Park location. where they polish the edges, do the final TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 32 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY Page 33 1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 polish, or do the cutouts for the sinks and people. I did the training. 3 drill the holes for the faucets. 3 Q. Were you responsible for the 4 Q. With respect to sales does any one computer system, the database? 5 particular office account for a larger 5 A. Partially. 6 percentage of sales than the others? 6 Q. Who else was involved in that? 7 A. Ridgefield Park location. 7 A. Well, we actually -- to create 8 Q. Is still the largest -8 that -- I was overseeing so to speak that 9 A. Is the largest, correct. That's 9 implementation from All Granite perspective. the oldest location. And it's, you know, like 10 10 Q. So is it true to say that there 11 the middle of Bergen County. We serve Rockland County, we serve Westchester County, 11 was a third-party contractor who come in to 12 12 13 Connecticut, and Morris County, parts of create that for you? 13 A. We ordered creation of that system 14 Morris County, Passaic County out of 14 with another company. Front Link Studios. 15 Ridgefield location. The density of the 15 And they created that for us. population and the fact that we've been there 16 16 Q. And how long would you say you 17 for a long time contributes to the sales 17 were responsible for handling sales at All 18 number. 18 19 Granite? Q. Mr. Deja, did you ever have a 19 20 A. Two, three years. Well, maybe two responsibility as a salesperson at All 20 years. I organized each and every department 21 Granite? 21 in the company. So I was handling services. 22 A. Yes. 22 I was handling production. I was handling 23 Q. And when was that? 23 scheduling for the installers. And when I 24 A. Back in 2001. I actually created 24 knew that there is that person able to do it 25 the sales department. So I started hiring 25 on his own independently I kind of left the TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

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2	department for the future development. And	2	bar exam at the end. But I came over here
3	you know, my people were taking care of you	3	before I take the bar exam in Poland.
4	know, of that from that point. Import manager	4	Q. So just on the sales issue, I
5	department as well. So you may say that I've	5	mean, when was the last time you met with a
6	been in sales, service, marketing and	6	customer, for example, and sort of took them
7	importing for, you know, number of years.	7	through — either did an estimate for them or
8	Q. Right.	8	took them through the sale?
9	A. A little bit here, a little bit	9	A. Oh, from a sales perspective maybe
10	there. Right now I'm pretty much dedicating	10	three years ago, four years ago. That was
11	my time to marketing and all the legal stuff,	11	
12	all the you know, the company increased in	12	
13	size so it's a lot of things, different things	13	
14	to take care of.	14	title marketing manager?
15	Q. You mentioned earlier that you	15	A. It was two years, three years.
16	have a master's from — is it a law school in	16	Q. Was there any title you held
17	Poland?	17	before that? Any specific title?
18	A. Law school, correct.	18	A. Production manager. Depending
19	Q. And that is legal training?	19	which department I was at, you know. Kind of
20	A. Yes.	20	like do it all. And I didn't glue titles to
22	Q. The equivalent of going to law	21	me.
23	school here in the US?	22	Q. Would it be safe to say that sort
24	A. Correct. A little bit more.	23	of does everyone in the company report to
25	Because it's five years and then you have to	24	you or are there specific people that report
	take master's at the end of it. So we take	25	to you?
	SG Reporting - Worldwide 877-702-9580	Т	SG Reporting - Worldwide 877-702-9580
	Page 36		Page 37
1	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY	,	- 1
2	A. My managers, pretty much. The	1 2	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
3	managers of the locations. The marketing I	3	company.
4	mean, the import manager. And pretty much,	4	Q. And who is that?
5	yes, you could say so.	5	A. Martin Sliwa.
6	Q. So in terms of let's say South	6	Q. And Stroudsburg the same thing? A. Right.
7	Plainfield, would Alex as the general manager	7	Q. Production, service and imports?
8	of the store report to you?	8	A. Um-hum.
9	A. Yes, correct.	9	Q. Are basically the categories that
10	Q. And who else there would report to	10	you deal with?
11.	you directly?	11	A. Yes.
12	A. Directly maybe Blaze and Lucas	12	Q. And where do you presently work?
13	because they have certain independent duties.	13	What's your office location?
14	Not directly involving sales. And that is why	14	A. 51 Austin Street in Ridgefield
15	I talk to them if I need to know whether there	15	Park, New Jersey.
16	is something in the warehouse that I need. I	16	Q. And is that a commercial building
17		17	or a residential building?
18	the on-line tool store about the orders.	18	A. Residential building.
19	Q. And how about Ridgefield Park?	19	Q. Is that someone's home?
20	A. Same thing. The production	20	A. We rent a space. It's like a
21	manager. Service manager. Import manager and	21	two-family house and we rent the space on the
22	sales office managers, they all report to me.	22	second floor, four bedrooms, and we created an
23 24	41	23	office in there. We just wanted to have
24 25	the company or —	24	something close to our main office in
		25	Ridgefield Park and there are not too many
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	1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES C		Page 39
	commercial - smaller commercial buildings	DNLY	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY A Search engine optimization of
	available on the market, so we just rent there	- 1	A. Search engine optimization of our
ı	4 temporarily because we just purchased a larger	ł	
	Duilding that we're retrofitting and creating	- 1	Q. Who eise:
	marketing offices in there. But for the time	1	5 A. Michal Socha, Michael Socha, 6 S-O-C-H-A.
	being we're in the residential house.	1	Q. And what does Michael do?
9	2. Onay. And now lar away is that	- 1	A. He is a software engineer. He
10	orn the gradeneid Lark Office.		creates websites for us. He mostly works on
111	its like titlee tiltilities away.	1	o slab market and on-line tool store.
12	. And now many employees work out of	1	1 Q. Okay.
13	THE TOTALION:	1:	- " " I MIG CICII WE HAVE IVIAIR HAVE ON
14	r. Carleiny Six.	1:	quiet I always keep forget his last name.
15		1	Q. It's okay. We can come back to it
16	A. Sure. Walter Siewior.	15	o if
17	Q. What does Walter do?	16	in a longot.
18	A. He's our BU editor.	17	Q. We can in it in later.
19	Q. BU editor?	18	And what does Mark do lot Aon.
20	in the fraction of the contract of the contrac	20	in the shelp with the Search engine
21	Q. What does Les do for you?	21	Serving region. The 2 triting Off the
22	A. Les is a graphic designer.	22	The substance of the su
23	Q. Who else?	23	A. Who is the sixth Delson controll
24	A. Then we have Arthur Glazowski.	24	or in their controlle cise;
25	Q. What does Arthur do?	25	that would be it pretty much because the other
	SG Reporting - Worldwide 877-702-9580	1 2	TCC Daniel III
	Page 4		
1	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ON		Page 41
2	guy is just he's in Poland and he's like	LY 1 2	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
3	frequently in the company on the basis of you	3	Q. Are there any awards or incentives
4	know, if we have a job for him we send it	4	for salespeople? A. Not really.
5 6	over. He's Internet specialist. Creates the	5	
7	websites and stuff.	6	Q. And are you also compensated by just straight salary?
8	Q. Is that it?	7	A. Yes.
9	A. That's it.	8	Q. As part of your responsibilities,
10	Q. How many salespeople are located in South Plainfield?	9	are you responsible for keeping track of
11	A. In South Plainfield, hum.	10	overall sales across the company in terms of
12	Seven including Blaze and Lucas.	11	number of installations, for example?
13	They're not directly sales but they help out	12	A. Yes. Pretty much, Yes. Well
14	sometimes if there is a need and there are	13	what I do, I check those data because I need
15	lots of customers, especially on Saturdays	14	to know how our marketing strategy in what
16	they help out. So I would say seven.	15	way has it impact on sales, so I'm kind of
17	Q. And how about Ridgefield Park?	16 17	following the numbers just to make sure that
18	A. I think around ten.	18	our marketing moves are right. And then
19	Q. And Stroudsburg?	19	tweaking the campaigns accordingly.
20	A. Three.	20	Q. Is there someone at the company
21	Q. And how are your salespeople	21	who is responsible for tracking sales or
22	compensated? Are they - is it straight	22	tracking the financial performance of the company?
23	salary, salary plus commission, or commission	23	A. Oh, no. That would be me. The
24 25	only?	24	bookkeeper just does the billings and that
	A. Straight salary.	25	would be pretty much it.
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			Reporting - Worldwide 877-702-9580

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL	.Y 1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL
Q. Do you know how many – let's take	2 Q. Now, do you know on average how
3 South Plainfield, for example.	3 many kitchen countertop installations that All
4 A. Um-hum.	4 Granite installs in a week?
Q. How many customers a typical	5 A. In a week? Well, we install
6 salesperson would assist on a given weekday?	6 between 30 and 50 countertops daily. Between
7 A. On a weekday. 8 O. Weekday	7 three locations. So weekly what's that?
Q. Weeksay.	8 Q. 180 to 300?
	9 A. 300. 250.
ten to 20 customers. Depending on the day. Q. And on the weekend it's something	Q. 200 to 300 would be approximate?
12 more than that?	A. Um-hum. That would be a good
13 A. On the weekend, yes. On the	12 number, yes.
14 weekend it's very more.	Q. And of these installations how
15 Q. Any estimate as to how many more?	many would you say include the installation of
16 A. Maybe 30. You know, it depends.	15 a sink? 16 A The installation all of them
17 I mean, it depends on the weekend. Sometimes	The instantation - an of them.
we really have so many customers on the	4. Camb. 1104 many of chese Monio
19 weekend that we have to send the customers	include the installation of a sink provided by All Granite?
20 without the actual help of a salesperson and	20 A. Percentage-wise?
21 one salesperson is taking care of four or five	21 O. Yes.
22 people at the same time kind of like jumping	22 A. I would say 40 percent. 50/50,
23 around. So it's kind of hard to pinpoint the	maybe. 60/40. Forty percent being our sink.
24 numbers exactly but that totals in hundreds,	24 Something like that.
25 you know, to weekly schedule of things.	Q. So if you're doing 2- to 300 sinks
TSG Reporting - Worldwide 877-702-9580	TSG Reporting - Worldwide 877-702-9580
Page 44 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY a week, four weeks in a month, so that's 800	THE PROPERTY OF THE PROPERTY O
3 to 1,200 sinks in a month?	Granite sells? A. Three types.
4 A. Yes, um-hum.	4 Q. And what are those types?
5 Q. And 50 percent of that would be	5 A. Straight rectangular shaped,
6 400 to 600 sinks.	6 D-shaped, and then double bowl.
7 A. Um-hum.	7 Q. And the 6,000 or so sinks in
8 Q. Being installed – being provided	8 inventory, those are across those three
9 by All Granite?	9 A. Across those – right.
10 A. I believe so. I can't calculate	10 Q. And where are these things kept in
that from the top of my head that sounds	11 inventory?
12 right. 13 O. Okay Do you know how many	12 A. In Ridgefield Park.
1 2 Cianj. Do you know now many	13 I'm sorry. In South Plainfield.
Steel Mether Sings	14 What am I talking in South Plainfield,
15 All Granite keeps in inventory? 16 A. Right now?	15 yeah. We have a warehouse there basically
	that we keep all these things.
17 Q. Yes. 18 A. Between all the types, we have	Q. Is that connected to the granite
around 5,500, 6,000. The last time I checked	18 warehouse?
100 111 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	19 A. To the granite warehouse, correct.
01 7	20 It's a little bit to the left-hand side. In 21 Ridgefield Park there is not enough space for
	and allow is not chough space to
CO. Line of the control of the contr	and the state of t
31	F
25	being worked on so nothing is there yet. Q. So the building that you purchased
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	TSG Reporting - Worldwide 877-702-9580

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1	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES	ONLY 1	
2	that's going to include fabrication plus	2	- CONTIDENTIAL - ATTORNEYS FVECT
3	marketing or —	3	and they'll say, Robert, you know, we need
4	A. Yes. It's a two-story warehouse.	4	this or we need that. And then I will talk to
5	So my offices will be on the second floor.	5	Martin and let him order whatever we need.
6	And on the first floor we're going to	6	O And do work
7	create - we're going to stack marble because	7	Q. And do you know how – how are the sinks –
8	they cannot stay for a long time on the	8	
9	outside because they will deteriorate. And we	9	A. Or I will just say, Blaze, you can
10	will create a fabrication section in there and	10	call up Martin and tell him to order it.
11	also the rest will be warehousing of the	111	A. Trace long set if and the stick a man
12	marble.	12	that you're constantly reordering or have you
13	Q. And when was that property	13	built in a fairly sizable inventory for yourselves?
14	acquired? Or is it in the process or	14	
15	A. Well, it's been acquired. Two	15	A. Well, the way it works I guess we
16	months ago I think. Approximately.	16	would like to obviously purchase the sinks for
17	Q. And that's located in Ridgefield	17	the best price possible so we order larger
L 8	Park?	18	quantities. And those quantities are enough,
. 9	A. Right next to our current	19	you know, to create a pretty solid stock. We
0.5	location. Next to the building.	20	don't go, you know, 100 sinks and then 100
1	Q. And who's responsible for ordering	21	sinks. We order container of sinks. And that
2	the sinks that All Granite & Marble provides?	22	allows us to keep going for a while.
3	A. Our import manager. And me pretty	23	Q. And do you know how those sinks
4	much. The way it happens when we know the	24	are shipped to All Granite? What kind of
5	stock diminishes then Blaze and Lucas who are	25	containers they come in?
TS	G Reporting - Worldwide 877-702-9580		A. They come in containers. GG Reporting - Worldwide 877-702-9580
1	Page 4	8	
	R DEIA CONFIDENTIAL ATTORNEY		Page 4
2	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ON	LY 1	
2 3	V. Do they come in individual	LY 1 2	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL A. That is correct, yes.
	Q. Do they come in individual cardboard packaging or something else?	LY 1 2 3	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL A. That is correct, yes.
3 !	cardboard packaging or something else? A. No, they are actually packaged in	LY 1 2 3 4	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL A. That is correct, yes. Q. And if you look at the second page of this exhibit.
3 ! 5	cardboard packaging or something else? A. No, they are actually packaged in the crates, wooden crates, and they're stacked	LY 1 2 3 4 5	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL A. That is correct, yes. Q. And if you look at the second page of this exhibit. A. (Witness complies.)
3 ! 5	cardboard packaging or something else? A. No, they are actually packaged in the crates, wooden crates, and they're stacked one on top of each other. Sort of like they	LY 1 2 3 4 5 6	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL A. That is correct, yes. Q. And if you look at the second page of this exhibit. A. (Witness complies.)
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6	cardboard packaging or something else? A. No, they are actually packaged in the crates, wooden crates, and they're stacked one on top of each other. Sort of like they go one in the other. And in between there's like a paper or some barrier so they don't scratch each other and they're wrapped in paper. And that's pretty much how it is. MR. MALTBIE: Take a short break? MR. CHIODO: Absolutely. (Recess taken.) BY MR. MALTBIE: Q. Mr. Deja, I'd like to show you what's previously been marked as Defendant's Exhibit 70. A. Um-hum. Q. Which appear to be a collection of ads for All Granite that appeared in the Clipper coupon circular. A. Okay. Um-hum. Q. Now, these types of coupon	LY 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 1	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONI A. That is correct, yes. Q. And if you look at the second page of this exhibit. A. (Witness complies.) Q. Have you ever seen this document before? A. Yes. Q. And what is this document? A. That's our ad. That's a Christmas issue, actually. Q. Okay. And it's Christmas because of the— A. Right. A little bit of the Christmas theme here. The green kitchen countertop, a little bit of the pine thing on there. Q. And who's responsible for creating these ads? A. Les Truchel, our graphic designer. And me. I'm overseeing his work. Q. And how much does it cost to run a

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL	Y 1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONI
2 for Clipper I can tell you monthly more or Les	2 Q. And is there some mechanism for
3 what it costs us to run page. Around \$40,000.	you to track which of these publications this
4 Q. And that's just for the Clipper?	4 ad appeared in?
5 A. Just for the Clipper.	5 It's a question that I think is a
6 Q. And that's across the different	6 question too soon. Let's step back a little
7 zones. They cover the metro New York area?	7 bit.
8 A. Correct. They have multi zones,	8 There's a coupon portion of this
9 regional zones, so we are combining certain	9 ad. correct?
20 zones to create proper coverage area which is	10 A. Correct.
New Jersey, parts of New York, and parts of	Q. And what's this coupon for?
12 Pennsylvania.	12 A. Well, that's for our customers so
Q. So if you look at the first page	13 they can provide us with a coupon in the
14 of this exhibit it says The Westchester	showroom and get a free sink and a free
15 Suburban Edition.	15 granite cleaner with the circular.
16 A. Correct.	16 Q. And do you recall how long has All
17 Q. So this would be a zone covering	17 Granite been running a promotion like this
18 Westchester?	involving free sinks?
19 A. Correct. And the same ad with a	19 A. It's been a while. It's been a
20 different address, different phone number.	20 while. Maybe 2004 I would venture. The
21 Morris County edition. And different in	21 oldest I would have to go back but that
22 Pennsylvania edition. Same graphics though.	22 sounds about 2004, 2005.
Q. So when I receive mine in Rockland	23 Q. And is that something that you
24 it will have the Ridgefield Park address?	24 started or you instituted?
25 A. Correct.	25 A. Um-hum.
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	377 702 3300
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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY	1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
Q. And is that something that was	2 type of coupon?
3 common to the granite fabrication business or	3 A. Yes. There is a code here.
4 something -	4 Q. Referring to the lower left
5 A. Not really. Not really. I just 6 basically came across the idea of direct mail	5 corner.
i and the state of	6 A. Correct. And right upper corner.
	7 CL 984. CL means Clipper Magazine. 984
i and the second continued doing it,	8 that's basically the issue number I guess.
and the control of th	9 September. And that's the zone. That's the
i end absence in a state of the	10 book indication.
brown promotion, is that something	Q. The book number or something?
that's common to the granite fabrication business?	12 A. Um-hum, the book number.
	Q. And is that information that's
2000 and Common. We started it	important to you as the marketing manager?
and we're a big company. People copy us. People take examples of what we do. So	15 A. Yeah.
17 sometimes we have our ads copied like point by	Q. And what instruction do you give
point. So right now I know is that most of	your salespeople with respect to collecting
the fabricators with the showrooms, they offer	and handling these coupons?
20 free sinks and they also display coupons in	A. See, they should collect the
their ads.	coupons. The problem is they never do.
Q. And is there anything about the	That's the first question that I want the
the state of the s	22 salespeople to answer the client is how did
The same and the s	you hear about us. And in our database they
of a post of the p	have like a pull-out menu that they have to
the most success with this	25 select, you know, Clipper Magazine, Internet,
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Page 54 Page 55 7 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 blah, blah, blah. And so forth. And if to how to handle these coupons? 3 they don't do it, they cannot proceed with the A. Not really. They just -- I told 4 creation of the account. 4 them to gather them. But, as I said, it was 5 Q. Right. 5 so hard to execute it that at a certain point 6 A. So that is the most important 6 we just dropped the idea. And, you know, we 7 thing for us to really go by. And then we 7 didn't look at it pretty much. And it's far compare that to the data Internet tracking 8 8 easier for me to look at our database how many 9 we're using Google Analytical and Net Track 9 customers I'm getting from Clipper on the 10 for that. And through those two sources we 10 sheets of the reports than to really chase the 11 can pretty much tell. 11 locations for the coupons and count them or, 12 With the coupons it's hard because 12 you know -- so... 13 sometimes the customer brings the coupon into 13 Q. And where is the information with 14 the showroom and offers it at the time of 14 respect to I guess the referrals, where is 15 estimate. Sometimes the coupon is present at 15 that kept? Is that kept in the computer the job site when the templater comes in so 16 16 system? 17 these get lost and are not reliable data. 17 A. Yes, um-hum. It's part of our 18 So I'd rather have every client 18 database. 19 who comes over, first question, how did you 19 Q. So what would you say is the 20 hear about us. And then that's the most 20 largest referrer of customers to All Granite? 21 important because if they don't do it they 21 A. Internet. 22 cannot create the account. They cannot 22 Q. Now, do you - or have you 23 proceed with the creation of the order. 23 provided any instruction to your salespeople 24 Q. Well, do you provide any specific 24 with respect to requiring a coupon such as 25 instruction to your salespeople with respect 25 this to be presented in order to provide the TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 56 Page 57 1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL' 1 2 customer with a free sink? some of the contractors that way. Because A. I'm sorry. I got lost. 3 3 when the contractor is building a new 4 Q. I'll put it another way. construction house he's coming over to us for 4 5 Are customers required to present 5 granite for all the rooms. The bathroom 6 a coupon like this to get a free sink from All 6 vanity tops, you know, maybe Jacuzzi surround, 7 Granite? 7 fireplace, and then kitchen. Kitchen in 8 A. Yes. Generally, yes. 8 larger modern home, they very often have a 9 Q. And are the salespeople generally 9 sink in the island or two sinks, especially 10 informed of that requirement? 10 Jewish families. And if something like that 11 A. Yes. 11 happens I want them to get all the sinks for 12 Q. Now, on this specific coupon on 12 free. Even if that means two bathroom vanity 13 AGM 123 it says All Sinks Free, \$360 value to 13 top sinks and two kitchen sinks and we took 14 \$540 value. 14 the value of the sink and you just multiplied 15 Do you know what these values are 15 it and obviously we could put here \$1,000 16 based on? 16 value if somebody comes over and gets four or 17 A. Um-hum. These are really 17 six bathroom sinks and two kitchen sinks. But 18 approximate values. At some point we've been 18 that happens so rarely we just thought it 19 running an ad, free sink offer or something 19 would be more reasonable to put the maximum 20 like that. And then I felt that the sinks are 20 value. You know, so the Jewish family may 21 not really that much of a value for us. We 21 think it's like getting two sinks for free. 22 can give away not one sink but two sinks with 22 It's approximate. That's why it says all 23 the order if the clients need that kind of sinks free and that's why we decided to 23 24 requirement, if they do have two sinks in a 24 include different kinds of sinks on the 25 kitchen. And it turned out that we attracted 25 photograph. On the previous ads. TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ON	ı	Page 59 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL
2 Q. Just to clarify, so 360 to 540,	2	A. Well, the way I said it. 360 is a
3 those are supposed to represent values for a	3	combination of the value of the porcelain
4 multiple number of sinks?	4	sinks and the kitchen sink. And that's how we
5 A. Multiple number of sinks, right.	5	wanted to start. And then 540 is something
6 Q. Is there any way that the customer	6	more like two stainless steel sinks for a
7 would know that by looking at this	7	kitchen. You now, like, they sometimes have
8 advertisement?	8	dedicated sink for, like, kosher food and then
9 A. Eh, not really. It's not really	9	non-kosher. Both are double bowls. So that's
10 important. I mean, 360 that's a combined	10	around \$500. If you wanted to purchase it at
value of a porcelain sink and the double bowl.	11	Home Depot it would be probably \$600 maybe.
12 Larger sink. You know, and 540, that's, you	12	So something less than that but still for both
13 know, two kitchen sinks pretty much. That's	13	sinks.
14 the way we thought about it.	14	Q. So you're basing these values upon
15 Q. But	15	what the sinks would have cost on the open
16 A. Those numbers are not really	16	market or something else?
17 important. You know, it's something that	17	A. We do not price our sinks the way
18 marketing gimmick in a way.	18	Home Depot does. We want to come across as a
Q. Well, just indulge me then.	19	little bit more affordable even than Home
20 A. Um-hum.	20	Depot. So our value let's say their double
Q. Where are you getting the values	21	bowl sink is 300, we would value our sink
that you're combining to reach 360 and 540?	22	\$200. So it's like below that to show the
23 What are those values based on?	23	customer that he's getting a good value. You
24 A. 360 and 540?	24	know, so he can notice that for that price
25 Q. Yes.	25	it's a very good product and he's getting
TSG Reporting - Worldwide 877-702-9580	TSC	G Reporting - Worldwide 877-702-9580
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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY	1	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 something, you know, for free.	2	sinks, but that's about it.
3 Q. But you've never sold one of your	3	Q. Do you carry Kohler sinks in
4 sinks for 200 or \$300, have you?	4	inventory?
A. No. We never sold any of the	5	A. We have just as I said, we have
6 sinks.	6	couple of pieces in stock. If we notice it's
Q. And have you ever advertised for	7	customer that's worth it we will give it to
sale any of the sinks that you install?	8	them, so to speak.
9 A. No. No, never. Never.	9	Q. Other than Artisan are there any
Q. Now, was there a time when All	10	other brands of sinks that All Granite has
Granite ever installed – strike that.		ever carried?
Was there a time when All Granite	12	A. From other third-party
ever purchased third-party manufactured sinks?	13	manufacturers?
A. Like Artisan sinks?	14	Q. Correct.
Q. Yes, correct.	15	A. No.
A. Um-hum. From Artisan.	16	Q. And do you recall when All Granite
Q. And was there any other companies	17	carried Artisan sinks?
that you purchased sinks from?	18	A. I think from 2003. 2004.
A. Not really. We had some Kohler	19 :	Something like that.
sinks. The bathroom sinks. But these were	20	MR. MALTBIE: Let's have marked as
purchases just very small quantities. We	21	Plaintiff's Exhibit 10 a series of
had couple of customers who came over to the	22	documents produced by Artisan in this
3 countertops, the expensive ones, like Blue	23	matter, Bates stamped ART 00193 through
4 Bahia, \$30,000 granite. You know, vanity	24	ART 00213.
tops. So we wanted them to get like premium	25	(Plaintiff's Exhibit 10, document
TSG Reporting - Worldwide 877-702-9580	TSG	Reporting - Worldwide 877-702-9580

Page 62 Page 63 1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 1 bearing production numbers ART 00193 2 any instruction to your sales force with 3 through ART 00213, marked for 3 respect to these coupons and the values on the identification as of this date.) 4 4 coupon? 5 BY MR. MALTBIE: 5 A. The salespeople, they know pretty Q. If you could actually just look 6 much one thing, that they should give the 7 back to the All Granite coupon. sinks for free. And if the customer does not 8 A. Um-hum. 8 have the sink -- I mean, the coupon, typically 9 Q. Have you ever had a customer ask 9 what they do, they inform the customer, you 10 you about the values that are listed in the 10 know, you should look for a coupon in a 11 coupon? 11 Clipper Magazine, or sometimes, you know, 12 A. There are rare occasions that the 12 where there is a bargaining going on about the 13 customer inquired about the value. 13 price, maybe the product seems to be a little 14 Q. And do you recall what you told 14 bit more expensive, they will use it -- you 15 them or -15 know, they will just say I will throw this in 16 A. Pretty much the same thing. You 16 for you for free. Something like that. 17 know, that these are -- if you have two sinks 17 That's why sometimes even the customer does 18 for a bathroom vanity we'll gladly give you 18 not have a coupon, they just throw it in. 19 the second sink for free and that represents 19 Q. Are you aware of any situation 20 the value pretty much. 20 where a customer did not have a coupon and 21 Q. Okav. 21 they were charged for a sink? 22 A. That's why we did not put any 22 A. Charged for a sink? 23 range -- you know, single number. Just a 23 Q. Yeah. 24 24 A. No. 25 Q. And how about have you provided 25 Q. So is it the case that ultimately TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 64 Page 65 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 the salesperson will always throw in the sink consumers as part of a sink promotion? 3 A. Yes, um-hum. 4 A. Yeah. That's pretty much it. 4 Q. So none - so All Granite has 5 What I'd like to do, we have one of the guys 5 never sold an Artisan sink; is that correct? 6 that I do the coupons with, Super Coups, 6 A. Not that I know of. roughly, he brings in a pile of coupons and I 7 Q. Is there anyone else who would 8 leave it in the showroom. They will throw the 8 know the answer to that question? 9 sink in for free, they'll grab the coupon, and q A. No, I don't think so. No. show them and just hand it in. And we do the 10 10 Q. Do you recall if Artisan provided 11 same thing with the cleaner. 11 any training with respect to its sinks? 12 Q. Okay. Now, just looking at what's 12 A. I don't remember. 13 been marked as Plaintiff's Exhibit 10, this 13 Q. And do you recall ever contacting 14 document here, I'll represent to you that this 14 or being - I'm sorry. 15 is a collection of invoices from Artisan 15 Do you recall ever being in 16 Manufacturing Corp. to All Granite 16 contact with anyone from Artisan? 17 beginning - or the first one dated 10/27 2003 17 A. I remember I met somebody a couple 18 and the last one dated June 2nd, 2006. And, 18 of months back in the summer. Some salesman. 19 to your knowledge, does that sort of cover the 19 And he talked to me about sinks like we 20 time period that you're aware of when All 20 discussed it. 21 Granite was purchasing Artisan sinks? 21 You're talking about the summer of О. 22 A. Yes. 22 2007? 23 Q. And throughout this period, from 23 A. Yes, yes. 24 October 2003, do you know if all of the sinks 24 This past summer. 25 purchased by All Granite were given away to 25 Um-hum. TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

	Page 6	1	Page 6
1	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONI	Y 1	5
2	Q. So back in the 2003 period when	2	more sizable order, about 300 sinks, two
3	the first order for Artisan sinks was made do	3	different styles, and a sink strainer.
4	you recall who was in contact with Artisan at	4	Do you see that?
5	that point?	5	A. Um-hum.
6	A. It might have been me but I just	6	Q. And do you have any recollection
7	can't remember. So many different things and	7	with respect to the order of Artisan sinks in
8	it's been a while. Must have been me but I	8	October of 2004?
9	just don't know the contact moment.	9	A. No.
10	Q. Okay. The first invoice from	10	Q. Does the November 2004 date
11	October 2003 lists Richie Wojtach.	11	correlate with your recollection of when the
13	A. Right.	12	free sink promotion began for All Granite?
14	Q. Is that the owner of the company?	13	A. I think that might be yeah.
15	A. Yes. He goes by the name Richie.	14	that might be yeah. It might be that time.
16	His real name is Jaroslaw. Richie is easier.	15	It might be the time. Exactly. 2004.
17	Q. So you don't have any specific	16	Um-hum.
18	recollection with respect to the order of six	17	Q. Do you recall if All Granite ever
19	Artisan sinks in October of 2003. A. No.	18	carried Kindred sinks? Kindred brand sinks?
20		19	A. I don't think so. I can't recall.
21	Q. And then the next - if you look	20	Q. So prior to - say prior to
22	at the next invoice, it's from November 2004. A. Um-hum.	21	November of 2004, did All Granite offer any
23	Q. Do you see that?	22	sinks with respect to its installations?
24	A. Um-hum.	23	A. No.
25	Q. And this is actually for a much	24	Q. Flip to the end of the pages. It
		25	appears there's orders throughout 2005 on a
	SG Reporting - Worldwide 877-702-9580	T	SG Reporting - Worldwide 877-702-9580
	Page 68		D CO
1	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY	١.	Page 69
2	somewhat consistent basis. And into early	1	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
3	2006. With the last order in this group being	2	Q. And do you recall when you made
4	placed in June of 2006.	4	that decision?
5	Do you see that on the last page?	5	A. I believe that was at the end of
6	A. Um-hum.	6	2006. Maybe a little bit earlier. You know,
7	Q. Do you have any specific	7	it would probably coincide with the last order
8	recollection with respect to the order of a	8	here a little bit. You know, it took us some time probably to get a pinpoint but after that
9	hundred Artisan sinks in June of 2006?	9	last order we decided to some sure after that
10	A. Un-huh.	10	last order we decided to carry our own line of sinks.
11	Q. And at this point in time, in June	11	Q. Okay. And do you recall why that
12	2006, are you fairly certain that the free	12	decision was made?
13	sink promotion was going on at All Granite?	13	A. Well, mainly I guess the reason
14	A. Yes. Yes.	14	for it is was no brand recognition. I talked
15	Q. And at this point in time, in June	15	to salespeople and they basically informed me
16	2006, was Artisan the only brand that All	16	that when the customer comes in and they show
17	Granite was installing in customers' homes?	17	him Artisan sinks they ask, And what is this,
18	A. I think so. Um-hum.	18	Artisan. And they explain it's a brand. And
19	Q. Now, at some point All Granite	19	we felt that we're paying premium, you know,
20		20	for a brand name and the customer does not
21		21	recognize that brand name. So we decided that
22	A. Correct.	22	if the customer does not recognize the brand,
23		23	there is no brand awareness, then we can just
24		2 4	purchase the sinks with no brand and at least
25		25	save some money on it. Pretty much that was
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the main reason.	NLY	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ON
2. I was well you my olved in deciding		113 not you know, the 37 inch sink double
what particular sizes and dimensions of sinks		os in was too dig. Because the typical cabinet
to order?		as a menes, so if we decide to carry that
A. Yes, um-hum.		The true tota of proplems. So we
	- 1	aropped die idea. The other was rectangle
order?	- 1	Sometimes the customer decide to go with an
A. You know, we pretty much know	1	inch and quarter back splash at the back. So
what's popular, what clients want. And we've	1	again, problem. So we eliminated the
been buying from Artisan pretty much like two	- 1	Problematic ones and we staved brenty much
different kinds. I think. Maybe three	1	with the three that we carry right now
different kinds. And pretty much the same		D-shaped, rectangular and double bowl
ones we ordered. You know we were checking	1 -	Q. Let me show you what's previously
on some other styles but they turned out to be	1	deen marked as Plaintiff's Exhibit 1.
not practical for various reasons	4	5 A. Um-hum.
O. So you mentioned continued		2. Det me direct your attention to a
Currently carry three engles of the int	- 1	page in this exhibit, ART 00027.
steel sink?	1	A. Um-hum.
	1	Z. Trave you ever seen this document
	1 '	Defore?
Voll carried more then three states	1	
A Not really We had a well of	1	V. And what is this document?
Samples and we were testing the	1	A. Well, that's like a sheet with the
speak but it very soon because them out so to	24	sink specs that when the customer requested it
	25	to know the exact sizes, they had in South
877-702-9580] :	ISG Reporting - Worldwide 877-702-9580
		Page 73
R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL	Y 1	R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
O So daniely show it to the customer.	2	just a common description of it. So they came
the sink states at the sink stat	3	up I think it was Alex.
Plainfalls	4	Q. Alex at South Plainfield?
	5	A. Um-hum. Um-hum.
A. No. The three styles are	6	Q. And, again, on this sheet here,
	7	there are some dollar values indicated next to
Oray. And the four styles that	8	the various sinks. Do you know what those
There are the stock, are those -	9	dollar values correlate to?
A. These are the styles that we	10	A. Yeah. That's a value of the sink.
	11	That is what we think that sink is worth. In
	12	other words yeah, that's a value that the
inst too him. The instance is 36.93, it's	13	customer gets.
that's too day. The stant too big. And	14	Q. But you've never sold actually
Page de de la constant de la constan	15	sold any of these sinks for those prices?
reopie don't use it much.	16	A. No, no. I think it says on the
Q. Do you know where the style	17	coupon that it's no cash redemption value.
numbers came - strike that.	18	Q. Right. So were you involved in
Do you know where the style	19	the process of ordering the All Granite sinks
numbers for these sinks come from?	20	from the manufacturer?
A. we just made them up. I think	21	A. Um-hum.
ries and. Typically how we refer to those	22	Q. And how were you involved? What
sinks is rectangular, D-shaped or double bowl.	23	did you do in that process?
		2 20 in that blocess:
But they wanted to have something so the	24	A. Well typically house and the little
customer could know the chile and	24 25	A. Well, typically, how it you mean from the beginning?
	Q. And were you involved in deciding what particular sizes and dimensions of sinks to order? A. Yes, um-hum. Q. And which sizes did you decide to order? A. You know, we pretty much know what's popular, what clients want. And we've been buying from Artisan pretty much like two different kinds, I think. Maybe three different kinds. And pretty much the same ones we ordered. You know, we were checking on some other styles but they turned out to be not practical for various reasons. Q. So you mentioned earlier that you currently carry three styles of stainless steel sink? A. Correct. Q. Was there a period of time when you carried more than three styles? A. Not really. We had couple of samples and we were testing them out so to speak, but it very soon became apparent that SG Reporting — Worldwide 877-702-9580 Page 72 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL Plainfield. And they show it to the customer. Q. So does this sheet represent only the sink styles available through South Plainfield? A. No. The three styles are available in all locations. Q. Okay. And the four styles that are indicated as out of stock, are those — A. These are the styles that we eliminated. Q. Okay. A. See, like this one is 36.93, it's just too big. It's just plain too big. And that's too deep. That's not practical at all. People don't use it much. Q. Do you know where the style numbers came — strike that. Do you know where the style numbers for these sinks come from? A. We just made them up. I think Alex did. Typically how we refer to those	Q. And were you involved in deciding what particular sizes and dimensions of sinks to order? A. Yes, um-hum. Q. And which sizes did you decide to order? A. You know, we pretty much know what's popular, what clients want. And we've been buying from Artisan pretty much like two different kinds, I think. Maybe three different kinds. And pretty much the same ones we ordered. You know, we were checking on some other styles but they turned out to be not practical for various reasons. Q. So you mentioned earlier that you currently carry three styles of stainless steel sink? A. Correct. Q. Was there a period of time when you carried more than three styles? A. Not really. We had couple of samples and we were testing them out so to speak, but it very soon became apparent that SG Reporting - Worldwide 877-702-9580 Page 72 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY Plainfield. And they show it to the customer. Q. So does this sheet represent only the sink styles available through South Plainfield? A. No. The three styles are available in all locations. Q. Okay. And the four styles that are indicated as out of stock, are those — A. These are the styles that we eliminated. Q. Okay. A. See, like this one is 36.93, it's just too big. It's just plain too big. And that's too deep. That's not practical at all. People don't use it much. Q. Do you know where the style numbers came — strike that. Do you know where the style numbers for these sinks come from? A. We just made them up. I think Alex did. Typically how we refer to those

R. DEJA - CONFIDENTIAL - ATTORNEYS EYES ONLY O Yeah, please. A. Okay. Well, we researched the market and there are various websites that you can get in touch with China manufacturers and we checked couple of different options. And I guess the friend suggested the manufacturer of these sinks and we send an e-mail and received so some samples. Were a big company. Serious business in China looks at our website and know we're not going to run away so they like doing business with us. And then we place the first order. 14		
2 Q. Yeah, please. 3 A. Okay. Well, we researched the 4 market and there are various websites that you 5 can get fin touch with Chins manufacturer of 6 these sinks and we send an e-mail and received 9 some samples. We're a big company. Serious 10 business in China looks at our website and 11 knows we're not going to run away so they like 12 doing business with us. And then we place the 13 first order. 14 Q. And was this a company that was 15 already in the business of manufacturing 15 stainless steel sinks? 16 A. I believe so, um-hum. 18 Q. And disty one provide specifications 19 regarding the sinks that you wanted to them or 20 was this something from 21 21 A. Well, we asked them what kinds of 22 sinks they have in their offer and they 23 provided us with samples and those samples 24 those sinks, we looked at them, all of them, 25 and out of those sinks we eliminated those not 26 TSG Reporting - Worldwide 877-702-9580 Page 76 R. DEJA - CONFIDENTIAL - ATTORNEYS EYES ONLY 25 Confidential attorneys' eyes only 36 documents? 37 A. The list received and the provided with samples and those samples 39 those sinks, we eliminated those not residue to with a market and them and the provided with samples and those samples 4 MR. CHIODO: Absolutely. 5 MR. MALTBIE: Documents Bates starting production numbers AGM 0035 through 040, marked for identification as of this date.) 10 BY MR. MALTBIE: 11 Q. Mr. Deja, if you could take a look at start's now been marked as Plainitf's page, could you tell me have you ever seen this documents for this documents? 15 A. Yes. 16 Q. And want are these documents? 17 A. Yes. 18 Q. And what are these documents? 18 Q. And what are these documents? 19 A. That's an invoice for the same date. 19 A. That's an invoice for the same and the place that the analysis of the place that the place that the same date. 19 A. The last, right. That was the first one. 20 Okay. So you're looking ist and the same date. 21 Q. And what are these documents? 22 A. And am I correct in my reading of the sa	1	rage /
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18 Q. And what are these documents? 19 A. That's an invoice for the 20 shipments of sinks that we ordered from our 21 manufacturer in China. 22 Q. And am I correct in my reading of 23 Q. And am I correct in my reading of 24 A. Yes. 28 Q. And this first order in time is an 29 order for 576 sinks, model number SU 12321A 20 and SU23120B, that second style being 2,796 21 units; is that correct? 22 A. Correct.		
18 Q. And what are these documents? A. That's an invoice for the 20 shipments of sinks that we ordered from our manufacturer in China. Q. And am I correct in my reading of 21 Q. And this first order in time is an order for 576 sinks, model number SU 12321A and SU23120B, that second style being 2,796 units; is that correct? A. Correct.	1 1 2 2 1	17 A. Yes.
A. That's an invoice for the shipments of sinks that we ordered from our manufacturer in China. Q. And am I correct in my reading of Q. And am I correct in my reading of A. That's an invoice for the order for 576 sinks, model number SU 12321A and SU23120B, that second style being 2,796 units; is that correct? A. Correct.		18 Q. And this first order in time is an
shipments of sinks that we ordered from our manufacturer in China. Q. And am I correct in my reading of 22 A. Correct. A. Correct.	The same in voice for the	19 order for 576 sinks, model number SI 12321A
manufacturer in China. Q. And am I correct in my reading of A. Correct.	shipments of sinks that we ordered from our	The state of the s
Q. And am I correct in my reading of 22 A. Correct.	21 manufacturer in China.	that second style being 2,770
0.0 41.1 31.4 0.1	Q. And am I correct in my reading of	,
- and concerned of ouccuments that there are 23 O. Do you know whose model and bearing the concerned of the	this collection of documents that there are	23 Q. Do you know whose model numbers
24 actually three different orders included here? 24 those products are?	24 actually three different orders included here?	24 those products are?
25 A. Correct. 25 A. These are manufacturer's model	26	in the products are:
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Page 78 Page 79 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL' Q. I'm sorry. Did I say - May 23rd. 2 3 Q. Do you know how they arrived at 3 For 1,992 pieces of model number 4 those model numbers? SU3120B2 and 2,865 units of SU2321A2. 4 5 I may venture a guess that that's 5 A. Um-hum. б dimensions. Twenty-three inches by 21 inches 6 Q. And are you aware of any other mean that's a double bowl. 7 orders from the Chinese manufacturer? 8 Q. And the next - if you flip back 8 A. No. 9 to I guess the first two pages, there's an 9 Q. Is there anything pending or on 10 issue date of April 10th, 2007. 10 the -11 Do you see that? 11 A. One order is pending. 12 Yes. 12 Q. Has that order been placed or -13 Q. Would this be the second order? 13 A. That order has been placed but 14 A. That's the second order. 14 it's sort of on hold because actually we 15 Q. And this is for 2,300 and - I'm placed it right before the litigation so it's 15 16 sorry. 2,688 units of model number SU12317A. 16 still in China and we don't know ... 17 A. Yes. 17 Q. So by my rough calculation we have 18 Q. Correct? 18 something like over 9,000 sinks that have been 19 A. Um-hum. 19 ordered? 20 Q. And then in the middle of the 20 A. Correct, um-hum. 21 exhibit there's a third order issued on April 21 Q. And I believe that in connection 23rd, 2007; is that correct? 22 22 with this litigation I received a letter from 23 A. Correct. 23 Mr. Schroeder indicating that approximately 24 And this is for -24 1,900 to 2,000 sinks have been installed. Is 25 A. May 23rd. that correct? TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580 Page 80 Page 81 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY 2 A. Mr. Schroeder? Q. And do you recall then - sorry. 3 MR. CHIODO: Glenn. 3 Do you recall there being any A. Oh, Glenn. I'm sorry. I would 4 period of time between March of 2007 and some think that that's the right number, um-hum. 5 later point that it took to get these sinks 6 Q. And --6 actually to the South Plainfield location? Or 7 A. Yes, um-hum. 7 does the March 2007 reflect receipt at South 8 Q. Could you tell me how you arrived 8 Plainfield? 9 at that number of installations? 9 A. Yeah. Because in the Ridgefield 10 A. We just calculated what we have in 10 Park we don't have space. I mean, at all. We 11 our warehouse left and we subtracted from the 11 can't fit anything in there. So we only keep 12 amount of the invoices. 12 stock of sinks for, you know, weekly basis. 13 Q. And just looking at again the 13 And all the shipments, they come straight to 14 next-to-the-last page of this exhibit, there's 14 South Plainfield from the pier. 15 a handwritten notation that says Received, 15 Q. Okay. So beginning I guess at 16 March 2007. 16 least in March 2007, you had your own 17 Do you see that? On the last 17 privately manufactured sinks that became part 18 order. The earliest order in the time. The 18 of the sink promotion run by All Granite? 19 last -19 That is correct, yes. 20 A. The earliest -- okay. 20 Q. At this time were there any 21 21 designs or logos placed upon these sinks? 22 Q. And do you recall, in fact, 22 23 receiving this first shipment in March of 23 Q. Did there come a point in time 24 2007? 24 when logos or designs were placed on the 25 A. Um-hum. 25 TSG Reporting - Worldwide 877-702-9580 TSG Reporting - Worldwide 877-702-9580

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2 A. Um-hum.	THE PROPERTY OF THE PARTY OF TH
3 Q. And when was that?	Q. And what led you to that decision?
4 A. I think it was the next shipment.	A. Well, since we've been giving away
5 So starting from July we had a logo I think.	sinks, you know, with no logo at all I think that it would be nice to start running our own
6 May, May, May.	man is a second to state running our own
7 Q. The April shipment?	The state because, you know, which the
8 A. Right.	the second secon
9 Q. But the first shipment -	8 all it means no brand. It automatically is 9 associated with less value, no brand at all.
10 A. Hold on just one second. I'm	10 If there is something, people don't think
11 getting confused.	about no brand anymore. So it was pretty much
12 Oh, yeah. No, no, no. That was	12 it.
13 the moment that we the first shipment was	13 Q. So when you say you were
14 with no logo and the first was January 10th.	14 installing sinks that had no logo on them at
15 And the one from April. The one this one,	all, you're referring to the sinks that were
16 yes.	16 received as part of the first shipment.
17 Q. The one from April had logos?	17 A. Correct.
18 A. Um-hum. Had logo.	18 Q. So the ones that were received in
19 Q. And how about the one from May?	19 March, correct?
20 A. Yes. As well. From now point	20 A. Yes.
21 from that point time the logo appeared on the	Q. So then by April 10th you had
22 sinks.	22 decided that you should be installing sinks
Q. And whose decision was it to put a	23 that have logos on them.
logo on the sinks?	24 A. Correct, um-hum.
25 A. That was my decision.	Q. And just going back to your
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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL'	1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
2 comment about the reason why you decided to	2 or are you of the opinion that the sinks that
3 manufacture your own sinks was because you	3 you ordered from your manufacturer were
didn't think the Artisan brand had a value.	4 equivalent in quality to Artisan brand sinks?
Does your testimony with respect to putting your own logo on affect or often	5 A. In my opinion they're very
F Syour on a logo ou arrect or arter	6 comparable in terms of the quality.
	7 Q. Do you know if the specifications
8 MR. CHIODO: Objection to the 9 form.	8 of the sinks are similar or identical?
10 A. No. I wouldn't say so. The	9 A. They're similar. They're similar.
reason why we decided to stop buying sinks	10 Q. What's similar about them?
from Artisan is because we felt that we pay	A. Well, they're both stainless
extra premium for a brand and there was no	12 steel. The quality of the finish is very much
brand really. There was no brand recognition	13 the same. The sound deadening pads are
among the customers.	The responsibility of the control of
We thought that introducing our	g
brand is not going to put us in any better or	overall we tested it out. We gave it to the test. Our customers, they saw our sink and
worse position but we will be able to get a	18 they liked it. And they had nothing you
better value for the customer because we were	they liked it. And they had nothing, you know, against it. And we determined that
paying less for the sinks. So there is no	20 pretty much if somebody's getting a sink for
21 advantage on our part buying from Artisan and	21 free, unless it's Kohler, you know, or maybe
there is advantage of having a sink with our	22 Elkay, Franke, some brand names that records
own logo for half the price.	Elkay, Franke, some brand names that people really do recognize, that's not going to
Q. And with respect to the advantages	change anything.
	25 So between us and Artisan there
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      1
            R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
                                                                       1
                                                                              R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
            wasn't that brand awareness that would -- I
      2
                                                                       2
                                                                                    MR. MALTBIE: Let me mark as
      3
            mean, if the customers - if they do come to
                                                                       3
                                                                                Plaintiff's Exhibit 12 a document
            my showroom and they say, okay, I like that
                                                                       4
                                                                                produced by All Granite bearing Bates
     5
           sink, I heard about it, then I can see the
                                                                       5
                                                                                stamp numbers AGM 0041 through AGM 0043.
     6
           value and then I can, you know, maybe throw it
                                                                       6
                                                                                    (Plaintiff's Exhibit 12, document
     7
           to larger orders or whatever.
                                                                       7
                                                                                bearing production numbers AGM 0041
     8
                  But having a sink that people do
                                                                      8
                                                                                through AGM 0043, marked for
     9
           not recognize at all, and the question I hear
                                                                      9
                                                                                identification as of this date.)
    10
           repeatedly is what is this, that was -- you
                                                                      10
                                                                            BY MR. MALTBIE:
    11
           know, that just didn't add up for us at that
                                                                     11
                                                                                Q. Mr. Deja, could you please take a
    12
           time and we decided to just do our own brand.
                                                                     12
                                                                            look at what's been marked as Plaintiff's
    13
              Q. Do you know if the Chinese
                                                                     1.3
                                                                            Exhibit 12 and tell me if you've ever seen
    14
           manufacturer for the All Granite sinks was
                                                                     14
                                                                            these documents before.
   15
           familiar or aware of Artisan brand sinks?
                                                                     15
                                                                               A. Um-hum.
   16

 I don't know. I have no idea.

                                                                     16
                                                                               Q. And what are these documents?
   17
              Q. Do you recall if you provided any
                                                                     17
                                                                               A. These are the spec sheets from the
   18
          specifications for Artisan brand sinks to the
                                                                     18
                                                                           China manufacturers.
   19
          manufacturer?
                                                                    19
                                                                               Q. And just look at - I guess go
   20
             A. No.
                                                                    20
                                                                           through the first one or look at the first
   21
             Q. Do you know what gauge stainless
                                                                    21
                                                                           page. SU3120B2. I don't know if you can make
  22
          steel the sinks that are manufactured for you
                                                                    22
                                                                           it out but it looks like there's three
  23
          by your Chinese manufacturer are?
                                                                    23
                                                                           categories there. Depth, thickness and gauge.
  24
             A. I think it's 18. Either 17 or 18.
                                                                    24
  25
                                                                                  Do you see that?
          But I think 18.
                                                                    25
                                                                              A. Yes.
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                                                                      TSG Reporting - Worldwide
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                                                                                                                        Page 89
   1
          R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
                                                                           R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
  2
            Q. Do you know what the depth is for
                                                                          clip, the screw can easily be screwed into the
  3
         this sink?
                                                                    3
                                                                          Formica, but in a granite you're not going to
  4
            A. I would guess nine inches. But I
                                                                    4
                                                                          be able to screw it. To attach the screw you
  5
         don't know. It's very hard to read.
                                                                    5
                                                                          have to drill in the granite. And then you
  6
            Q. And just - sorry.
                                                                    6
                                                                          have to either attach the screw with the akimi
  7
            A. It should be nine I think.
                                                                    7
                                                                          or press a wooden bolt in there. If you were
  8
            Q. With respect to accessories it
                                                                   8
                                                                          going to try to press -- drill the screw in
  9
        says cutting template and clips. What are
                                                                   9
                                                                         the granite, the granite may crack.
 10
        those things, if you know?
                                                                   10
                                                                                By drilling into the granite
 11
            A. Cutting template, that's template,
                                                                   11
                                                                         you're weakening the granite as well. And
 12
        cardboard template of the shape of the inside
                                                                   12
                                                                         there are some cases, some instances where
 13
        cutout of the sink. And the clips are pieces
                                                                  13
                                                                         surface cracks, you know little cracks on the
 14
        of metal with a screw that you use to attach
                                                                  14
                                                                         surface may develop so we don't do that,
 15
        the sink to the granite.
                                                                  15
                                                                         especially where there is a pressure applied
 16
           Q. Is that something that All Granite
                                                                  16
                                                                        on the sink, you put a lot of dishes, you
17
        uses to attach its sinks to granite in
                                                                  17
                                                                         know, pots filled with water, after a while it
18
       installations?
                                                                  18
                                                                        may weaken those particular spots. We want to
19
          A. Not really. We don't use clips.
                                                                        make it safe for granite. And our method of
                                                                  19
20
          Q. What do you use?
                                                                  20
                                                                        installing the sink is really, really good.
21
          A. We have our own method of
                                                                 21
                                                                            Q. How can you describe it?
22
       installing the sink. See, the problem -- they
                                                                 22
                                                                            A. We have pieces of stone, very thin
23
       came up with the clips in time where granite
                                                                 23
                                                                        slices of stone, and we glue those stone with
24
      countertops were not really popular. And the
                                                                 24
                                                                        the use of akimi glue to the countertop. I
25
      majority you had was Formica and Corian. The
                                                                 25
                                                                        can draw it. What happens, that akimi glue,
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Page 9	rade 91
1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ON 2 it hardens like a rock. And then the whole	LY 1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY
The ment of the state of the st	depth appears to come in both 18 and 20 gauge
I Brand like a lock, you know.	3 stainless steel. Do you see that?
grante in any way.	4 A. Yes.
5 Q. But if you had to remove the sink 6 at some point how would you remove the sink?	5 Q. Do you know if All Granite ordered
7 A. It is possible. And you just have	6 any eight-inch depth sinks?
8 to knock on the piece of granite from the	7 A. No.
9 side, you know, with a hammer.	8 Q. So you only ordered the nine-inch
10 Q. Would you risk damaging the	9 depth.
11 granite doing that?	The stage of the s
12 A. No. Granite, no. You could	6. No log whom it these model ale
13 damage the sink. You could damage the sink.	12 standard in the industry? 13 A. I don't know.
14 But if you do it carefully it is possible, you	14 I think is Artisan using
15 know. But we just find that method to be more	something similar in sizes, too? I'm not
16 safe for granite in the long run.	sure. No, I don't want to
Q. Looking at the third page of this	17 Q. Well, let me ask you. I mean,
18 exhibit which is — I guess this would be the	Artisan's D-bowl sink I'll represent to you
19 rectangle sink.	is — includes the numbers 2321 in its model
20 A. Um-hum.	20 number.
21 Q. SU2317A1.	21 A. 23
22 A. Yes.	22 Q. 21 which is the second D-bowl
Q. On the spec chart here indicates	23 here.
	24 A. Uh-huh, okay. Yeah.
and time menes. And at least the eight-inch	25 Q. Is there any reason why - I
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1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONL	rage 93
believe you said Alex came up with a number	I THE THE PROPERTY AND THE PROPERTY OF THE PRO
3 for these sinks — that he chose something	2 (Recess taken.) 3 MR MAI TRIE: We con mark as
4 different than the 2321 designation?	i we can mark as
5 A. I think the only reason for that	E SAMOR IS A GOCUMENT
6 was the fact that our import manager is in	Fig. 5 and 5 and 6
7 Ridgefield Park and Alex has no access to the	6 (Plaintiff's Exhibit 13, document 7 bearing production number AGM 0033,
8 import document so he didn't really know what	8 marked for identification as of this
9 the he never saw those numbers. And he	9 date.)
didn't have anything on hand so he had to make	10 BY MR. MALTBIE:
something up I guess.	Q. Mr. Deja, could you please take a
Q. Do you know if the numbers that	look at what's been marked as Plaintiff's
A. No. I don't they're	Exhibit 13 and tell me if you've ever seen
Tio. I don't tiley ic	14 this document before.
15 meaningless. 16 O. Now, other than the Laures the 17	15 A. I can't recall.
e, center than the 1 She22 the 1	Q. This appears to be an invoice from
S. S some 10 Earle 211182 fills	17 Artisan to All Granite in relation to five
The solution of aniet, do you know what	eight-inch single handle kitchen faucets.
gauge sinks All Granite has ordered from the Chinese manufacturer?	Do you see that?
21 A. I think it was 18 gauge.	20 A. Yes.
22 eighteen 17, 18. I think 18 mostly.	Q. Do you recall All Granite ever
23 THE WITH FEEL O	22 ordering kitchen faucets from Artisan?
2.4 hrank?	A. I do not recall.
25 AMD MALTIDITY O	24 Q. Does All Granite sell any kitchen 25 faucets?
TCC Department	14403.
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